

**Department of Community Planning and Economic Development – Planning
Division**

Conditional Use Permit, Variance, Site Plan Review
BZZ-2566

Date: September 19, 2005

Applicant: Bruce Knutson, Bruce Knutson Architects, 530 N. 3rd St. Suite 530, Mpls,
55401, 612-332-8000

Address of Property: 1926 Pleasant Avenue South

Project Name: Fife Pointe at Pleasant

Contact Person and Phone: Bruce Knutson, Bruce Knutson Architects, 530 N. 3rd St.
Suite 530, Mpls, 55401, 612-332-8000

Planning Staff and Phone: Becca Farrar, (612)673-3594

Date Application Deemed Complete: August 12, 2005

End of 60-Day Decision Period: October 10, 2005

End of 120-Day Decision Period: Not applicable for this application

Ward: 7 **Neighborhood Organization:** Steven Square Community Organization

Existing Zoning: OR2 (High Density Office Residence District)

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 18

Lot area: 12,861 square feet or .29 acres

Legal Description: Lot 11, Block 5, Ridgewood Addition to Mpls

Proposed Use: Enclose two surface parking spaces in an attached garage.

Concurrent Review:

- Amend the approved Conditional Use Permit for a 9-unit condominium to include an attached garage.
- Variance of the front yard setback requirement along Pleasant Avenue South for an attached garage.
- Amend the approved Site Plan.

Applicable zoning code provisions: Chapter 525: Article VII Conditional Use Permits, Chapter 525, Article IX, Variances and Chapter 530 Site Plan Review.

Background: Several land use application have been filed for the subject site over the past few years. The original Conditional Use Permit and Site Plan was approved by the City Planning Commission on June 6, 2003. The original proposal was to convert the existing office uses to two condominium units and an efficiency unit for a caretaker's suite as well as expand the building to the west for six condominium units. The applicants also proposed seven parking stalls for the proposed nine units. No variances other than the number of parking spaces were requested or required by Staff at that time.

Based on Staff recommendation, the City Planning Commission approved a Conditional Use Permit for eight condominium units and seven parking spaces (six enclosed and one surface handicapped van accessible parking space). A parking variance wasn't required to reduce the minimum parking requirements from the required nine (one per residential unit) to the seven stalls proposed. The proposal was eligible for a reduction on the basis of the transit incentives for multi-family dwelling units (541.200) as well as the special parking provision for residential uses in the OR2 district (541.410).

On February 9, 2004, the applicant proposed to amend the original Conditional Use Permit for nine condominium units with eight off-street parking spaces. As previously mentioned, the original request was for nine condominium units, however it was not known until after demolition if the proposed ninth unit would be suitable for living space. The applicant worked with Public Works staff to modify the enclosed parking to include six parking spaces, two of which were proposed to be handicapped accessible spaces. The two handicapped spaces did not meet code requirements as they shared a 5 foot striped area, and neither space was van accessible as van accessible spaces must have an 8-foot striped area. The relocation of the handicapped spaces into the garage was deemed a more practical location than outside of the building on a parking pad. Public Works approved of the proposed configuration. The original van accessible parking space approved with the initial plans was located outside of the building on a parking pad adjacent to the garage and along Pleasant Avenue. The applicant proposed to convert the van accessible space into two standard parking spaces. Public Works also approved of that configuration. However, although not originally required in the initial application, the proposal to locate parking in the proposed area required variances to allow a parking area in the front yard, to allow parking between the principal structure and front lot line and to locate parking spaces closer than six (6) feet from a dwelling of any type. All applications were approved by the Planning Commission.

The applicant is now proposing to enclose the two parking spaces located in the front yard along Pleasant Avenue South. As the proposal to enclose the parking spaces in an attached garage would be adding building bulk, an amended Conditional Use Permit is required as is Site Plan review and a front yard variance for the attached garage is required as well.

The Stevens Square Community Organization submitted a letter stating support for the proposed enclosure. The letter has been attached for reference.

CONDITIONAL USE PERMIT –

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The Planning Division does not generally believe that enclosing the two surface parking spaces currently located in the front yard adjacent to Pleasant Avenue South would be detrimental to or endanger the public health, safety, comfort or general welfare. The applicant proposes to enclose two surface parking spaces in an attached garage. The proposed garage would not appear to impact the visibility of vehicles entering or exiting the alley. Public Works will ultimately review the site plan for compliance and verify that the visibility is satisfactory.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The Planning Division does not generally believe that enclosing two surface parking spaces in an attached garage would be injurious to the use and enjoyment of surrounding property nor would it impede the normal development of the surrounding area.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

The applicant would be required to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The parking requirement for this development would be 8 spaces with transit incentives. The applicant is proposing to provide all 8 parking spaces in attached garages. Staff believes that adequate measures would be provided based on the proposal.

5. Is consistent with the applicable policies of the comprehensive plan.

The Minneapolis Plan designates this site as a community corridor. There are several policies in place that support the proposed plan. The plan has the following relevant policy and implementation steps

Policy 4.2: Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.

- Strengthen the residential character of Community Corridors by developing appropriate housing types that represent variety and a range of affordability levels.
- Promote more intensive residential development along these corridors where appropriate.

Policy 4.13: Minneapolis will expand the type and range of housing types for residents with substantial choice.

- Provide and maintain moderate and high-density residential areas.

Policy 9.5: Minneapolis will support the development of residential dwellings of appropriate form and density.

- Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers.

This development is in conformance with the above noted principles and policies of the comprehensive plan.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

With the approval of the conditional use permit, variance, and site plan review this development would meet the applicable requirements of the OR2 zoning district.

VARIANCE—of the front yard setback requirement along Pleasant Avenue South from the required 15 feet to 3 inches to enclose two existing surface parking spaces in an attached garage.

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

The surface parking spaces in their current configuration have already been approved by the Planning Commission by attaining several variances. Prior justification for those variances was that the proposal included the renovation of the existing building which significantly constrained the physical use of the site and the location of parking. Staff believed that nine residential units was a reasonable use of the property however, the parking requirements couldn't be met without the requested variances due to the topography, shape of the lot, the configuration of the existing building and the fact that the lot is a reverse corner lot. The applicant is now requesting that said surface parking spaces be enclosed in an attached garage approximately 3 inches from the property line.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

The circumstances could be considered unique as the subject property is a uniquely shaped parcel, a reverse corner lot and has topographical constraints. As previously mentioned, the original approvals allowed for parking in this same location. The new application would not change the site plan in this respect, however, the surface parking spaces would be enclosed in an attached garage.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Granting the setback request would be in keeping with the spirit and intent of the ordinance and would likely not alter the essential character of the neighborhood or be injurious to the use and enjoyment of other property in the vicinity. As previously stated, the Planning Commission approved prior variances to allow the surface parking in the same location in the front yard adjacent to Pleasant Avenue South. The applicant is now intending to enclose said parking spaces in an attached garage.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Granting the setback variance along Pleasant Avenue South would likely not result in a substantial increase in the congestion of the public streets, danger of fire or be detrimental to the public welfare or endanger the public safety. As the enclosed parking spaces will be in the same location as the existing surface parking spaces, Staff would

expect the visibility for vehicles exiting the alley to be adequate. Public Works will ultimately review the site plan for compliance and verify that the visibility is satisfactory.

Required Findings for Site Plan Review

A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)

B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
- Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor

above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

- a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
- **Nonresidential uses:**

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.

Minimum window area shall be measured as indicated in section 531.20 of the zoning code.

- The form and pitch of roof lines shall be similar to surrounding buildings.
- **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

The condominium building, inclusive of the restoration and addition of the new structure, is complete and was reviewed and approved consistent with Chapter 530. The existing building placement reinforces the street wall, maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation. There are principal entrances facing both street frontages, the existing building walls provide architectural detail, including recesses and projections, and contains windows as required by Chapter 530. There are no blank uninterrupted walls greater than twenty five (25) feet that do not include windows, entries, recesses or projections, or other architectural elements. The building meets the 20% window requirements on the first floor and the 10% window requirement on the second through fourth floor and they are distributed in a more or less even manner along both the Franklin Avenue and Pleasant Avenue South facades.

Regarding the current proposal, the attached garage, due to its proximity to the front lot line, has no windows facing Pleasant Avenue South. There is no net change in the

percentage of windows facing Pleasant Avenue South, however, as the existing wall is blank, and with the garage addition will be merely bringing this wall closer to the property line. The garage has been designed to match into the rest of the structure and has similar design elements as the rest of the structure as brick columns are incorporated as is stucco. The south façade still meets the 20% window requirement along Pleasant Avenue South even with the attached garage addition.

There are amenities located between the building and property line along the south façade, the exception being directly adjacent to the proposed garage as the garage would be located within 3 inches of the property line. This is not a change in the location of amenities on this façade, as currently surface parking is located within the same proximity of the front lot line as the proposed garage. The materials, proposed roof pitch, etc. are all compatible with the existing building.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

Existing sidewalks and walkways at least four feet in width connect the project in conformance with the requirements of the zoning ordinance. Vehicular access will continue to be via the alley to the north and has been designed to minimize conflicts with both pedestrian traffic and surrounding residential uses. The project includes a minimum amount of impervious surfaces and approximately 35% landscaping of the site.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
 - **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a**

public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.

- The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.
- All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.

As stated above, approximately 35% of the subject property is landscaped. The project includes significantly more than the minimum requirements for shrubs and trees as the applicant is providing 40 shrubs of various species and 9 trees. The City's landscape consultant reviewed and approved the initial landscape plan. The plan has not changed either in quantity or location of the landscaping on site as the attached garage is merely enclosing two surface asphalt parking spaces. All landscaping that has been required appears to have been installed.

ADDITIONAL STANDARDS:

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.
- Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260 related to:
 - Natural surveillance and visibility
 - Lighting levels
 - Territorial reinforcement and space delineation
 - Natural access control
- To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally

designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

The driveways are completely constructed and defined by six (6) inch by six (6) inch continuous concrete curbing. All lighting currently complies with all of the requirements of Chapter 535 and Chapter 541. The proposed garage is located in such a manner as to avoid headlights from shining on adjacent properties. The existing building and proposed garage site layout has been designed to minimize the blocking of views, shadowing and generation of wind currents.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE - The approved use as a nine-unit condominium building is conditional in the OR2 District

With the approval of the conditional use permit, variance, and site plan review this development will meet the requirements of the OR2 zoning district.

Parking and Loading: Chapter 541 of the zoning code requires one off-street parking space per dwelling unit, however, with transit incentives the applicant is required to provide eight. The project currently provides eight parking spaces, six enclosed and two surface parking spaces for the nine residential dwelling units. The applicant proposes to enclose the two surface parking spaces in an attached garage.

Signs: No signs are proposed at this time. All new signage is required to meet the requirements of the code. Permits are required from the Zoning Office should any signage be included for the development.

Maximum Floor Area: The maximum F.A.R. for multiple-family dwelling units in the OR2 District is the gross floor area of the building which is 16,807 square feet divided by the area of the lot which is 12,861 square feet. The outcome is 1.3 which is less than the maximum of 2.5 that is permitted in the OR2 District.

Minimum Lot Area: The project would meet the minimum lot width and area requirements of the OR2 District. Multiple-family dwelling units in the OR2 District require 5,000 square feet of lot area or 700 square feet per dwelling unit, whichever is greater. The lot has 12,861 square feet of lot area or 1,429 square feet per dwelling unit.

Height: Maximum building height for principal structures located in the OR2 District is 4 stories or 56 feet, whichever is less. The existing building conforms to this requirement as it is 4 stories or 50 feet.

Yard Requirements: The required yards are as follows:

Front: 15 feet

Rear yard & interior side yards: 11 feet

Building coverage: The maximum building coverage in the OR2 District is 70 percent. Buildings would cover approximately 43 percent.

Impervious surface area: The maximum impervious surface coverage in the OR2 District is 85 percent. Impervious surfaces would cover approximately 65 percent of the site.

MINNEAPOLIS PLAN

See the above listed response to finding #5 in the conditional use permit application.

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

No small area plans for this area of Minneapolis have been adopted by the City Council.

ALTERNATIVE COMPLIANCE

The Planning Commission may approve alternatives to any site plan review requirement upon finding any of the following:

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

No alternative compliance is necessary based on the proposal.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow for the enclosure of two surface parking spaces in an attached garage for property located at 1926 Pleasant Avenue South.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the front yard setback requirement from 15 feet to 3 inches for an attached garage for property located at 1926 Pleasant Avenue South.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the site plan review:

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for property located at 1926 Pleasant Avenue South subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation and landscaping plans.
2. All site improvements shall be completed by September 19, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Statement of use
2. Findings
3. Correspondence – Stevens Square, Summary of neighborhood survey
4. Zoning map
5. Plans – elevations, site plan
6. Photos